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GSI Technology, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

GSI TECHNOLOGY, INC., a Delaware
Corporation,

Plaintiff and Counter-Defendant,

v.

UNITED MEMORIES, INC., a Colorado
Corporation, and INTEGRATED
SILICON SOLUTION, INC., a Delaware
Corporation,

Defendants and Counter-Claimants.

CASE NO. 13-CV-1081-PSG

**DECLARATION OF RAJIV
DHARNIDHARKA IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT OF
DEFENDANT UNITED MEMORIES, INC.**

Complaint: Filed March 8, 2013

Courtroom: 5

Judge: Hon. Paul S. Grewal

1 I, Rajiv Dharnidharka, declare as follows:

2 1. I am an attorney at the law firm DLA Piper LLP (US) and counsel of record for
3 Plaintiff GSI Technology, Inc. (“GSI”) in the above-captioned action. I am a member in good
4 standing of the State Bar of California and have been admitted to practice law before this Court. I
5 have personal knowledge of the facts set forth in this Declaration, and if called as a witness, could
6 and would testify competently to such facts under oath.

7 2. I submit this declaration in support of GSI’s Opposition to Motion for Summary
8 Judgment of Defendant United Memories, Inc. (“UMI”)

9 3. The deadline in this matter to complete fact discovery is April 24, 2015.
10 Significant portions of discovery have not been completed. In particular, GSI’s discovery has
11 been delayed because GSI received the database at issue in the case only a few months ago, and
12 its expert’s review of the database was delayed due to the passing away of the expert’s wife.

13 4. GSI has communicated to Defendants that (1) its expert is in the process of
14 analyzing the assets UMI transferred to ISSI (*i.e.* the Atris database) and comparing them to the
15 576 Mb trade secrets; (2) the results of this analysis will likely lead to GSI narrowing its trade
16 secret claim; and (3) GSI expects that this analysis will be completed by mid- to late January.
17 GSI believes portions of this motion could be mooted by GSI’s analysis and revised disclosure.
18 Attached as Exhibit 1 to this declaration is a true and correct copy of my December 16, 2014
19 email to UMI’s counsel, Constance Ramos, in which I inform her that GSI’s expert is reviewing
20 the databases and the result of his work could translate to GSI narrowing the scope of its trade
21 secret claims.

22 5. GSI intends to take discovery on the following issues that are potentially relevant
23 to this motion:

24 a. Bob Gower’s understanding of the term “deliverable” at the time he
25 executed the contract (Mr. Gower is the former President and CEO of UMI and a third party to
26 this litigation);

27 b. Expert discovery on trade usage of the term “deliverable”;

28 c. Expert discovery on trade practice with respect to assignation of

1 intellectual property rights in a design contract;

2 d. Expert discovery regarding whether the 576 Trade Secrets are similar to the
3 examples of deliverables and intellectual property associated with the Product which are
4 identified in the Agreement;

5 e. Admissions concerning UMI's contentions with respect to specific
6 schematic and layout files as to whether they are deliverables under the Agreement; and

7 f. UMI's practice and custom for designating work product prepared for
8 others as "confidential."

9 6. GSI intends to propound additional discovery on UMI relating to many of the
10 topics mentioned in Paragraph 5 of this declaration.

11 7. Likewise, GSI propounded a first set of interrogatories on UMI over the summer
12 of 2014 to which UMI has still not properly responded. GSI has attempted to meet and confer,
13 but UMI still has not provided adequate supplemental responses to the interrogatories. Attached
14 as Exhibit 2 to this declaration is a true and correct copy of GSI's November 26, 2014 letter to
15 UMI related to UMI's responses to GSI's first set of interrogatories. Attached as Exhibit 3 to this
16 declaration is a true and correct copy of UMI's January 7, 2015 correspondence to GSI
17 responding to GSI's November 26, 2014 letter.

18 8. This discovery includes interrogatories that, among other things, ask UMI to
19 describe the steps it took to protect the confidentiality of the deliverables (Interrogatory No. 1)
20 and which of its patents (and patent claims) contain IP included in the deliverables (Interrogatory
21 Nos. 12 and 13).

22 9. Discovery on these issues, along with completion of the analysis GSI's expert is
23 presently conducting, is necessary to fully oppose UMI's motion.

24 I declare under penalty of perjury under the laws of the United States of America that the
25 foregoing is true and correct.

26 Date: January 13, 2015



27 RAJIV DHARNIDHARKA